

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

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SECURITIES AND EXCHANGE	:	
COMMISSION,	:	
	:	
Plaintiff,	:	Civil Action No. 1:21-cv-00260-PB
	:	
-against-	:	EXPEDITED CONSIDERATION
	:	REQUESTED
LBRY, INC.,	:	
	:	
Defendant.	:	
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**LBRY, INC.’S MOTION
FOR EXPEDITED CONSIDERATION OF, AND ORAL ARGUMENT FOR,
ITS MOTION TO LIMIT THE COMMISSION’S REMEDIES (Doc. No. 89)**

Defendant LBRY, Inc. (“LBRY”) files and respectfully requests expedited consideration of this Motion for Expedited Consideration of, and Oral Argument for, its Motion to Limit the Commission’s Remedies (Doc. No. 89). In support hereof, LBRY states as follows.

1. On November 7, 2022, the Court granted summary judgment in favor of plaintiff Securities and Exchange Commission (“Commission”). Doc. No. 86.

2. On November 21, 2022, the Court held a status conference during which LBRY informed the Court *inter alia* of its precarious financial condition, particularly relative to the potential of a prolonged continuation of these proceedings.

3. On November 30, 2022, LBRY filed an Assented-To Motion for Expedited Briefing Schedule concerning the remedies sought by the Commission in these proceedings. Doc. No. 88 (“Given LBRY’s financial condition, LBRY respectfully requests that the Court order an expedited briefing schedule concerning the remedies sought by the Commission in this litigation.”).

4. On December 1, 2022, the Court granted an expedited briefing schedule concerning the remedies sought by the Commission in these proceedings.

5. On December 7, 2022, LBRY filed its Motion to Limit the Commission's Remedies (Doc. No. 89), which included an declaration from LBRY that further detailed its difficult financial situation relative to any prolongation of these proceedings.

6. On December 11, 2022, the Commission filed a Motion to Extend Time to Respond to LBRY's Motion. Doc. No. 90.

7. On December 14, 2022, the Court granted the Commission's Motion to Extend Time to Respond.

8. On December 19, 2022, the Commission filed its Opposition to LBRY's Motion to Limit the Commission's Remedies. Doc. No. 94. Two Amicus Curiae also filed briefs in support of LBRY's Motion to Limit the Commission's Remedies. Doc. No. 95 (Brief for Amicus Curiae Naomi Brockwell) and Doc. No. 96 (Brief for Amicus Curiae Investor Choice Advocates Network).

Good Cause For Expedited Consideration of the Present Motion

9. Local Rule 7.1 (f) provides that "[f]or good cause shown in the motion, a party may request expedited consideration of a motion."

10. LBRY believes that good cause exists for expedited consideration of the present Motion as it will advance the purpose of the parties' assented-to expedited briefing schedule that the Court ordered, particularly in light of LBRY's ongoing precarious financial condition.

**Request For Expedited Consideration of, and Oral Argument for,
LBRY's Motion to Limit the Commission's Remedies (Doc. No. 89)**

11. In addition to previously requesting and being afforded an expedited briefing schedule, LBRY now also expressly requests expedited consideration of its Motion to Limit the Commission's Remedies (Doc. No. 89).

12. LBRY believes that good cause for expedited consideration of LBRY's Motion to Limit the Commission's Remedies (Doc. No. 89) exists as it will advance the purpose of the expedited briefing schedule - i.e., LBRY's precarious financial condition - and afford an opportunity for resolution of the substance of the parties' briefing consistent with that expedited schedule.

13. Local Rule 7.1(d) provides that "[t]he court may allow oral argument after consideration of a written statement by a party outlining the reasons why oral argument may provide assistance to the court."

14. With regard to LBRY's Motion to Limit the Commission's Remedies (Doc. No. 89), the Commission's opposition thereto and the Amicus Curiae briefs, LBRY believes that oral argument will provide assistance to the Court because of (i) the unique issues involving government remedies, (ii) the scope of such remedies, (iii) how such remedies should impact secondary holders of the LBRY token, LBC, and (iv) the lack of clarity provided to the digital asset industry by the Commission.

15. Due to the nature of this motion, there is no accompanying memorandum of law.

WHEREFORE, LBRY respectfully requests that the Court:

- A. Consider and grant the present Motion on an expedited basis;
- B. Schedule oral argument and consider LBRY's Motion to Limit the Commission's Remedies (Doc. No. 89) on an expedited basis;

C. Grant such further relief as is necessary and just.

December 23, 2022

Respectfully submitted,

LBRY, INC.

/s/ Timothy J. McLaughlin (NH Bar # 19570)

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Certificate of Service

I certify a copy of the foregoing filing is being served upon counsel of record for the parties via the Court's CM/ECF system.

/s/ Keith W. Miller

Keith W. Miller

Certificate of Compliance with Local Rule 7.1(c)

I certify a good faith attempt has been made to obtain concurrence in the relief sought.

/s/ Keith W. Miller

Keith W. Miller